

§ 21.27 Issue of type certificate: surplus aircraft of the Armed Forces.

(a) Except as provided in paragraph (b) of this section an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in the United States, accepted for operational use, and declared surplus by, an Armed Force of the United States, and that is shown to comply with the applicable certification requirements in paragraph (f) of this section.

(b) An applicant is entitled to a type certificate for a surplus aircraft of the Armed Forces of the United States that is a counterpart of a previously type certificated civil aircraft, if he shows compliance with the regulations governing the original civil aircraft type certificate.

(c) Aircraft engines, propellers, and their related accessories installed in surplus Armed Forces aircraft, for which a type certificate is sought under this section, will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the product provides substantially the same level of

airworthiness as would be provided if the engines or propellers were type certificated under part 33 or 35 of this subchapter.

(d) The FAA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in paragraph (f) of this section, if the FAA finds that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with those regulations would impose a severe burden on the applicant. The FAA may use experience that was satisfactory to an Armed Force of the United States in making such a determination.

(e) The FAA may require an applicant to comply with special conditions and later requirements than those in paragraphs (c) and (f) of this section, if the FAA finds that compliance with the listed regulations would not ensure an adequate level of airworthiness for the aircraft.

(f) Except as provided in paragraphs (b) through (e) of this section, an applicant for a type certificate under this section must comply with the appropriate regulations listed in the following table:

| Type of aircraft | Date accepted for operational use by the Armed Forces of the United States | Regulations that apply ¹ |
|---|--|--|
| Small reciprocating-engine powered airplanes | Before May 16, 1956 | CAR Part 3, as effective May 15, 1956. |
| | After May 15, 1956 | CAR Part 3, or 14 CFR Part 23. |
| Small turbine engine-powered airplanes | Before Oct. 2, 1959 | CAR Part 3, as effective Oct. 1, 1959. |
| | After Oct. 1, 1959 | CAR Part 3 or 14 CFR Part 23. |
| Commuter category airplanes | After (Feb. 17, 1987) | |
| | FAR Part 23 as of (Feb. 17, 1987) .. | |
| Large reciprocating-engine powered airplanes | Before Aug. 26, 1955 | CAR Part 4b, as effective Aug. 25, 1955. |
| | After Aug. 25, 1955 | CAR Part 4b or 14 CFR Part 25. |
| Large turbine engine-powered airplanes | Before Oct. 2, 1959 | CAR Part 4b, as effective Oct. 1, 1959. |
| | After Oct. 1, 1959 | CAR Part 4b or 14 CFR Part 25. |
| Rotorcraft with maximum certificated takeoff weight of: | | |
| 6,000 pounds or less | Before Oct. 2, 1959 | CAR Part 6, as effective Oct. 1, 1959. |
| | After Oct. 1, 1959 | CAR Part 6, or 14 CFR Part 27. |
| Over 6,000 pounds | Before Oct. 2, 1959 | CAR Part 7, as effective Oct. 1, 1959. |
| | After Oct. 1, 1959 | CAR Part 7, or 14 CFR Part 29. |

¹ Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the Armed Forces.

[Doc. No. 5085, 29 FR 14564, Oct. 24, 1964, as amended by Amdt. 21-59, 52 FR 1835, Jan. 15, 1987; 52 FR 7262, Mar. 9, 1987; 70 FR 2325, Jan. 13, 2005; Amdt. 21-92, 74 FR 53386, Oct. 16, 2009]

§ 21.29 Issue of type certificate: import products.

(a) The FAA may issue a type certificate for a product that is manufactured

in a foreign country or jurisdiction with which the United States has an agreement for the acceptance of these products for export and import and

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that is to be imported into the United States if—

(1) The applicable State of Design certifies that the product has been examined, tested, and found to meet—

(i) The applicable aircraft noise, fuel venting, and exhaust emissions requirements of this subchapter as designated in §21.17, or the applicable aircraft noise, fuel venting, and exhaust emissions requirements of the State of Design, and any other requirements the FAA may prescribe to provide noise, fuel venting, and exhaust emission levels no greater than those provided by the applicable aircraft noise, fuel venting, and exhaust emission requirements of this subchapter as designated in §21.17; and

(ii) The applicable airworthiness requirements of this subchapter as designated in §21.17, or the applicable airworthiness requirements of the State of Design and any other requirements the FAA may prescribe to provide a level of safety equivalent to that provided by the applicable airworthiness requirements of this subchapter as designated in §21.17;

(2) The applicant has provided technical data to show the product meets the requirements of paragraph (a)(1) of this section; and

(3) The manuals, placards, listings, and instrument markings required by the applicable airworthiness (and noise, where applicable) requirements are presented in the English language.

(b) A product type certificated under this section is considered to be type certificated under the noise standards of part 36 of this subchapter and the fuel venting and exhaust emission standards of part 34 of this subchapter. Compliance with parts 36 and 34 of this subchapter is certified under paragraph (a)(1)(i) of this section, and the applicable airworthiness standards of this subchapter, or an equivalent level of safety, with which compliance is certified under paragraph (a)(1)(ii) of this section.

[Amdt. 21–92, 74 FR 53386, Oct. 16, 2009]

§21.31 Type design.

The type design consists of—

(a) The drawings and specifications, and a listing of those drawings and specifications, necessary to define the

configuration and the design features of the product shown to comply with the requirements of that part of this subchapter applicable to the product;

(b) Information on dimensions, materials, and processes necessary to define the structural strength of the product;

(c) The Airworthiness Limitations section of the Instructions for Continued Airworthiness as required by parts 23, 25, 26, 27, 29, 31, 33 and 35 of this subchapter, or as otherwise required by the FAA; and as specified in the applicable airworthiness criteria for special classes of aircraft defined in §21.17(b); and

(d) For primary category aircraft, if desired, a special inspection and preventive maintenance program designed to be accomplished by an appropriately rated and trained pilot-owner.

(e) Any other data necessary to allow, by comparison, the determination of the airworthiness, noise characteristics, fuel venting, and exhaust emissions (where applicable) of later products of the same type.

[Doc. No. 5085, 29 FR 14564, Oct. 24, 1964, as amended by Amdt. 21–27, 34 FR 18363, Nov. 18, 1969; Amdt. 21–51, 45 FR 60170, Sept. 11, 1980; Amdt. 21–60, 52 FR 8042, Mar. 13, 1987; Amdt. 21–68, 55 FR 32860, Aug. 10, 1990; Amdt. 21–70, 57 FR 41368, Sept. 9, 1992; Amdt. 21–90, 72 FR 63404, Nov. 8, 2007]

§21.33 Inspection and tests.

(a) Each applicant must allow the FAA to make any inspection and any flight and ground test necessary to determine compliance with the applicable requirements of this subchapter. However, unless otherwise authorized by the FAA—

(1) No aircraft, aircraft engine, propeller, or part thereof may be presented to the FAA for test unless compliance with paragraphs (b)(2) through (b)(4) of this section has been shown for that aircraft, aircraft engine, propeller, or part thereof; and

(2) No change may be made to an aircraft, aircraft engine, propeller, or part thereof between the time that compliance with paragraphs (b)(2) through (b)(4) of this section is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to the FAA for test.